



## State of Utah

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#21-7219  
8/10  
APR 23 2008

April 15, 2008

D.J. Baxter  
Executive Director  
Salt Lake City Redevelopment Agency  
451 South State, Room 418  
PO Box 145518  
Salt Lake City, UT 84114

Dear Mr. Baxter:

It was my pleasure to meet with you and Dan Harbecke on March 24, 2008 to discuss the abandonment of the 900 South Union Pacific Rail line and the transfer of the property to Salt Lake City.

I am glad to confirm your understanding of the process and what Salt Lake City's continuing obligations may be once the Surface Transportation Board (STB) has completed its obligations under Section 106 of the National Historic Preservation Act of 1966.

You are correct, as part of the formal abandonment process, the STB is required under Section 106 of the National Historic Preservation Act to consult with the State Historic Preservation Office (SHPO) on the eligibility of the properties for listing on the National Register of Historic Places. As we discussed, based on the information which has been provided to the SHPO to date, we believe the two bridges meet the minimum eligibility requirements of age and architectural integrity needed for listing on the National Register. If the STB formally determines the bridges to be eligible, the SHPO will concur and we can move on to the question of effect. The transfer of property out of federal ownership is considered an *adverse effect*. The federal agency can mitigate this through a Memorandum of Agreement (MOA) which in this case would likely involve some type of documentation of the bridges. Once this is completed the transfer of the property to Salt Lake City may take place.

During our meeting you expressed concern a determination of eligibility might impact Salt Lake City's efforts to develop a trail along the rail corridor. The National Register is an honorific designation which provides no protection or restrictions. The only

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"restrictions" come with the federal ownership or other federal involvement with the property. So, once Salt Lake City obtains ownership of the property you will be free to manage and develop the property, including the two bridges, in any manner you see fit. The only instance where any outside review would be required is if there is future federal involvement in the project, for instance, funding from HUD or another federal agency. In that case, Section 106 would once again apply to the new undertaking. However, future federal involvement would be at the discretion of Salt Lake City.

Finally, let me reassure you that even if a future project involves Section 106, the law requires the federal agency to consult with the SHPO and to attempt to find alternatives which avoid or minimize adverse effect. If an adverse effect cannot be avoided, the effect is mitigated and the project can proceed. Section 106 does not stop projects.

Please do not hesitate to call on me if you have any additional questions or concerns about this project or any other aspect of Section 106. I can be reached at 801/533-3563 or [bmurphy@utah.gov](mailto:bmurphy@utah.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Murphy", with a stylized, flowing script.

Barbara Murphy  
Deputy SHPO

Cc: Dan Harbecke, Union Pacific